

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT BRADDOCK

v.

SEPTA, et al.

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CIVIL ACTION
NO. 13-6171

ORDER

AND NOW, this 28th day of March, 2016, upon consideration of defendants Southeastern Pennsylvania Transportation Authority, Albert Matejik and John Jamison's motion for summary judgment (Dkt. No. 35), plaintiff Robert Braddock's response (Dkt. No. 36) and defendants' reply (Dkt. No. 37), and consistent with the accompanying Memorandum of Law, it is ORDERED that defendants' motion is GRANTED in part and DENIED in part as follows.

This motion is GRANTED in favor of defendants Southeastern Pennsylvania Transportation Authority, Albert Matejik and John Jamison and against plaintiff Robert Braddock with respect to: (1) plaintiff's retaliation claims to the extent that they rely on his SEPTA EEO complaint as the basis for his retaliation claims; and (2) plaintiff's damages claims to the extent that he seeks back pay, overtime back pay, matching retirement account contributions, retirement account withdrawals and attorney's fees from his post-determination hearing.¹ Defendants' motion is DENIED in all other respects. Plaintiff's remaining retaliation claims under Title VII and the PHRA will be held for trial.

It is further ORDERED that:

- (1) This matter is listed for trial to commence on Tuesday, May 31, 2016 at 10:00 A.M. in Courtroom 4A of the United States Courthouse, 601 Market

¹ I note that at trial, plaintiff "must present evidence of actual injury . . . before recovering compensatory damages for mental distress" as "speculative damages will not be awarded." See Gunby v. Pennsylvania Elec. Co., 840 F.2d 1108, 1121 (3d Cir. 1988).

Street, Philadelphia, Pennsylvania.

- (2) Motions in limine or other matters requiring the Court's attention, if any, are to be filed no later than May 3, 2016. Responses to any such motions shall be filed on or before May 10, 2016; and
- (3) Pretrial memoranda, proposed points for charge and verdict sheets should be filed no later than May 3, 2016.

If the parties believe a settlement conference would be productive they should contact my deputy Mr. Charles Ervin (267-299-7559) promptly.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.